

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION CORPORATION, Plaintiff-Applicant, v. BERNARD L. MADOFF INVESTMENT SECURITIES LLC, Defendant.	Adv. Pro. No. 08-01789 (CGM) SIPA LIQUIDATION (Substantively Consolidated)
In re BERNARD L. MADOFF, Debtor.	
IRVING H. PICARD, Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC, Plaintiff, v. KEN-WEN FAMILY LIMITED PARTNERSHIP; KENNETH W. BROWN, in his capacity as a General Partner of the Ken-Wen Family Limited Partnership; and WENDY BROWN, in her capacity as a General Partner of the Ken-Wen Family Limited Partnership, Defendants.	Adv. Pro. No. 10-04468 (CGM)

**SUPPLEMENTAL DECLARATION OF MICHAEL S. NEIBURG
IN FURTHER SUPPORT OF TRUSTEE'S CROSS-MOTION FOR
SUMMARY JUDGMENT AS TO DEFENDANT KENNETH W. BROWN**

I, Michael S. Neiburg, declare that I am a Partner at the firm Young Conaway Stargatt & Taylor, LLP, counsel to Irving H. Picard, as trustee ("Trustee") for the substantively consolidated liquidation of the business of Bernard L. Madoff Investment Securities LLC ("BLMIS") under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa-*lll*, and the chapter

7 estate of Bernard L. Madoff. I submit this Supplemental Declaration in further support of the Trustee's Cross-Motion for Summary Judgment as to Defendant Kenneth W. Brown.¹

1. Attached hereto as Exhibit A are true and correct copies of the 2006, 2007, and 2008 Annual Reports of Ken-Wen Family Limited Partnership filed with the Florida Department of State.

2. Attached hereto as Exhibit B are true and correct copies of affidavits of service from the Brown Bankruptcy, styled *In re Kenneth William Brown*, No. 13-13343-EPK (Bankr. S.D. Fla. 2013): (i) noticing the Brown Bankruptcy, ECF No. 11, (ii) providing notice of the bar date, ECF No. 35, (iii) providing the plan and disclosure statement, ECF No. 176, and (iv) providing the confirmation order, ECF No. 422.

3. Attached hereto as Exhibit C is a true and correct copy of the complaint filed in the matter styled *Brown v. David Merrill, Esq. et al.*, No. 9:16-cv-81916-RLR (S.D. Fla. 2016).

Pursuant to 28 U.S.C. § 1746, I hereby declare under penalty of perjury that the foregoing statements are true and correct.

Dated: February 11, 2022

/s/ Michael S. Neiburg
Michael S. Neiburg, Esq.

¹ Capitalized terms not defined herein shall have the meaning ascribed to them in the Trustee's Reply Memorandum of Law in Further Support of Cross-Motion for summary Judgment as to Defendant Kenneth W. Brown, filed contemporaneously herewith.